

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 12, 2003**

AGENDA ITEM NO.: 14

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Consideration Of A Local Historic District (HD) Zoning Designation For The Property
Known As 3561 Fort Avenue, Grove Park, Lot 5**

RECOMMENDATION: Approval of the requested local Historic District (HD) Zoning Designation.

SUMMARY: It is proposed that the property known as 3561 Fort Avenue, Grove Park, Lot 5 be designated as a local Historic District (HD) Zone. If approved, the property would be regulated by the Code of the City of Lynchburg Section 35.1-44.1 *Historic Districts Ordinance*.

OTHER INFORMATION: none

PRIOR ACTION(S):

April 21, 2003: Planning Division recommended approval of the petition.

HPC recommended approval (5-0, with two members absent) of the petition.

June 25, 2003: Planning Commission recommended approval (4-0, with three members absent) of the petition.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 847-1508, ext. 253

Tom Martin / 847-1508, ext. 226

Annette Chenault / 847-1508, ext. 258

ATTACHMENT(S): **ALL ATTACHMENTS CAN BE VIEWED IN THE OFFICE OF COMMUNITY PLANING
AND DEVELOPMENT, CITY HALL, LYNCHBURG VA**

- Ordinance
- PC Report
- PC minutes
- HPC Report
- HPC minutes
- Map
- Preliminary Information Form for an *Individual Property*
- Photographs

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE DESIGNATING A CERTAIN AREA AS A HISTORIC DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG, That Chapter 35.1 of the Code of the City of Lynchburg, 1959, as amended, be, and the same, is hereby amended by adding to Section 35.1-76.____, which section shall read as follows:

Section 35.1-76.____. Designation of a certain area as a Historic District. The area embraced within the following boundaries . . .

All that tract or parcel of land lying and being in the City of Lynchburg, Virginia, known as 3561 Fort Avenue, Grove Park, Lot 5, being Tax Map No. 030-14-038.

. . . is hereby designated as a Historic District and the Director of Planning and Development shall forthwith cause the "Historic District Map of Lynchburg," referred to in Section 35.1-44.1 of this Chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

139L

LYNCHBURG PLANNING COMMISSION
Agenda Item Summary

MEETING DATE: **June 25, 2003**

ACTION: **X**

INFORMATION:

ITEM TITLE: **Consideration of a local Historic District (HD) Zoning Designation for the Property Known as 3561 Fort Avenue, Grove Park, Lot 5**

RECOMMENDATION: Historic Preservation Commission (HPC) and Planning Division recommend approval of the local Historic District (HD) Zoning Designation for the property known as 3561 Fort Avenue, Grove Park, Lot 5.

SYNOPSIS: It is proposed that the property known as 3561 Fort Avenue, Grove Park, Lot 5 be designated as a local Historic District (HD) Zone. If approved, the property would be regulated by the Code of the City of Lynchburg Section 35.1-44.1 *Historic Districts Ordinance*.

SUMMARY

Gary Edward Harvey and Sharon Miller Harvey have petitioned to designate the property known as 3561 Fort Avenue, Grove Park, Lot 5 as a local Historic District (HD) Zone. The Historic Preservation Commission (HPC) and the Planning Division recommended approval of the petition because:

- Petition agrees with the Comprehensive Plan 2002-2020 in that efforts should be made to survey, document and preserve historic sites and structures in the City.
- The HPC has given an affirmative recommendation for nominating the property to the Virginia Landmarks Register and the National Register of Historic Places.
- The unique style of the house and historic documentation warrant local Historic District designation of the property.

OTHER INFORMATION: none.

PRIOR ACTION(S):

April 21, 2003: Planning Division recommended approval of the petition
HPC recommended approval (5-0, with two members absent) of the petition

CONTACT(S):

Rachel Flynn / 847-1508, ext. 253
Tom Martin / 847-1508, ext. 226
Annette Chenault / 847-1508, ext. 258

ATTACHMENT(S):

- HPC Report
- HPC minutes
- Preliminary Information Form
- Map
- Photographs

Consideration of a local Historic District (HD) zoning designation for the property known as 3561 Fort Avenue, Grove Park, Lot 5.

Mr. Tom Martin, City Planner, explained to the Planning Commission members that this petition was recommended to them for approval by the Historic Preservation Commission. He said the Planning Division also recommended approval. Mr. Martin explained that the main significance of this property was the clay tile construction material, which was unique to this area of the country.

Mr. Gary Harvey, owner of 3561 Fort Avenue, explained that he and his wife were the petitioners for this request. Mr. Harvey said their process began almost nine years ago when they purchased the house, which had been abandoned for some time. However, he added, the home had a lot of original materials still in tact, such as light fixtures, wood trim, molding, floors, stairs, and doors. Even with all of the original materials, Mr. Harvey said, there was still a lot of rehabilitation to do. He said when they began the restoration of the home, they also started researching the history and decided to apply to have the house put in the National Register of Historic Places. He continued by saying that when they appeared before the Historic Preservation Commission, the HPC suggested that the Harvey's consider having the house put in the local register as well. Mr. Harvey said the house construction was unique to this area. He said there were several homes in the City with some use of clay tiles, mostly in basement walls or foundations, and this tile was also used in the construction of the Courtland Building on Court Street. He continued by explaining that his house at 3561 Fort Avenue was constructed entirely of this unique tile – all exterior walls from the basement to the attic. Mr. Harvey said clay tile was predominantly used in the Mid-West because of its fire retardant attributes. He said the tile fell out of favor and concrete block became the predominant building material because of the cost and the ease of production.

Commissioner Worthington asked Mr. Harvey if his neighbors were aware of his petition, and asked if this designation would affect the neighborhood in any way.

Mr. Harvey said the immediate neighbors were aware that they were seeking historic designation. He said it was his understanding that the City also sent out notification letters that he and his wife were involved in this process. He said he hoped that his neighbors would be affected by this designation, in that the neighbors would see the advantages to historic designation and restoring their own properties.

Commissioner Pulliam asked Mr. Harvey if he had considered having the area designated historic instead of just his property.

Mr. Harvey said he would be in favor of the area being designated historic, but understood from the State Department of Historic Resources that designating a historic district was a very long and lengthy process, lasting many years. He said the majority of property along this portion of Fort Avenue was high-volume residential and rental property.

Chair Dahlgren said if there was any way this area could be designated historic district, it would be a great addition to the City.

Commissioner Pulliam said his concern was if other homeowners on Fort Avenue began to seek historic designation it could develop into a problem.

Mr. Martin said he did not see this petition being a problem. He said Mr. Harvey and his wife willingly asked that their property be designated historic. He said the only problem he could see would be if residents of that area thought historic designation was a City initiative.

Ms. Chenault explained to the Commissioners that when the HPC evaluates a property for historic designation, they determined whether it logically belongs in a historic district, or if there is something unique about the

property, it deserved designation on its own. In this case, she explained, this building deserved individual recognition. She said there was nothing adjacent to it to warrant being included in a historic district.

Commissioner Flint said this recommendation agreed with the Comprehensive Plan. He said the Historic Preservation Commission was in support of the petition, and the structure was unique in construction. Commissioner Flint voiced his support of this petition.

After discussion Commissioner Worthington made the following motion, which was seconded by Commissioner Pulliam and passed by the following vote:

“That the Planning Commission recommends to the City Council approval of the petition of Gary Edward Harvey and Sharon Miller Harvey for local historic district zoning designation of 3561 Fort Avenue, Grove Park, Lot 5.”

AYES:	Dahlgren, Flint, Pulliam, Worthington	4
NOES:		0
ABSTENTIONS:		0

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 434-847-1508

To: Historic Preservation Commission
From: Secretary
Date: April 21, 2003
Re: LOCAL HISTORIC DISTRICT: 3561 FORT AVENUE

I. PETITIONERS

Gary Edward Harvey and Sharon Miller Harvey, 3561 Fort Avenue, Lynchburg, VA 24501.

II. LOCATION

The subject property is about one acre of land located at 3561 Fort Avenue, between Fort and Memorial avenues. It was originally part of a farm known as Grove Park, Lot 5, in the Fort Hill neighborhood. It borders the Westover area of Lynchburg. The house is located approximately one block north of the historic Fort Early Earthworks and four blocks south of City Stadium.

III. PURPOSE

The purpose of the petition is to designate 3561 Fort Avenue as a local historic district zone under the regulations of the *Historic Districts Ordinance* (Section 35.1-44.1 of the City Code).

IV. SUMMARY

- Petition agrees with the Comprehensive Plan, in that efforts should be made to survey, document and preserve historic sites and structures in the City.
- The Historic Preservation Commission has given a unanimous affirmative recommendation for nominating this structure to the Virginia Landmarks Register and the National Register of Historic Places.

The Planning Division recommends approval of the local historic district designation petition.

V. FINDINGS OF FACT

- 1. Comprehensive Plan.** Goal 1 of the Lynchburg Comprehensive Plan provides that significant historic and cultural resources should be preserved through the collaborative efforts of the City and other groups. Objective 1.a states that efforts should be expanded to survey, document and preserve historic sites and structures in the City. The proposed local historic district designation of 3561 Fort Avenue would ensure that future development and/or redevelopment would complement the scale and character, and respect the integrity of the property.
- 2. Zoning.** The subject property is zoned R-4, Multi-Family Residential District. The house is currently used as a single-family residence. Local Historic District designation is an overlay zone and would not change the underlying zone or use.
- 3. Surrounding Area.** A Conditional Use Permit for a bed and breakfast at 3629 Fort Avenue was approved by City Council on January 11, 1994. The property known as the Fort Early Earthworks, at 3511 Memorial Avenue, was designated a local historic district by City Council on August 11, 1998.
- 4. Description.** The structure, originally constructed from 1913-1914, is classified as an Italian Revival with Craftsman style interior oak trim. The main building has a main level, second level, full basement, walk-up attic, and a single-story open porch. The main two-story mass is flanked on either side with a single story portion to the left and an added second story above the original open porch on the right. The exterior is unpainted light gray color stucco. The second story addition above the open porch, the reconfiguration of the kitchen window, and the enclosure of a rear right-side porch were part of the 2000-2002 restorations and renovations undertaken by the current owners. There is a three-foot tall greenstone wall that separates the property from the Fort Avenue sidewalk.
- 5. History.** The house was originally constructed in Campbell County with the address of 1533 Fort Avenue. It was the second house constructed on what was previously a farm developed into Grove Park. In 1926, it became part of the City of Lynchburg annex and the address was changed to 3561 Fort Avenue.

On March 17, 2003 the Historic Preservation Commission gave a unanimous affirmative recommendation for nominating this property (Grove Park, Lot 5, 3561 Fort Avenue) to the Virginia Landmarks Register and the National Register of Historic Places. The proposed designations are currently being reviewed at the State level.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Historic Preservation Commission recommends to the Planning Commission and City Council approval of the petition of Gary Edward Harvey and Sharon Miller Harvey for local historic district zoning designation of 3561 Fort Avenue.

This matter is respectfully offered for your consideration.

Annette M. Chenault,
Planner II and Secretary to the HPC

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Karl Cooler, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Gary E. Harvey and Mrs. Sharon Miller Harvey, Petitioners/Representatives

VII. ATTACHMENTS

1. Vicinity Zoning Pattern

(see attached map)

2. Department of Historic Resources Preliminary Information Form

Historic Preservation Commission minutes
April 21, 2003

Consideration of a local Historic District (HD) Zoning Designation for the Property known as 3561 Fort Avenue, Grove Park, Lot 5.

Gary E. Harvey, petitioner and property owner, told the HPC that he was following up on the Commission's suggestion to seek local Historic District designation for his property. He said a couple of months ago he had sought the HPC support for having his property placed in the state and national historic registers.

Chair Holloway opened the floor for citizens to speak in support or in opposition to this request. There was no one present to speak in support or opposition to the petition.

Commissioner Mott asked Mr. Harvey if he was going to include any information regarding members of Lynchburg's baseball team renting rooms from previous owners of the property. Mr. Harvey responded that he had investigated this rumor but there was no credible documentation that the previous owners rented rooms to members of the local baseball team.

Ms. Chenault explained that the Department of Historic Resources (DHR) was in process of reviewing the request for state and national historic registers designation under the category of "rare construction components." The DHR had concerns because they had not yet found enough evidence that the construction materials used in the house were rare in this part of the country. She said, however, the HPC may recommend a property to the local historic district register for any reasons that it feels warrant the designation.

Mr. Harvey said he had worked with two structural engineers in Lynchburg in researching the clay tile as a load-bearing building material, and he said they were the only two people he found who were familiar with the material. He said clay tile was introduced around 1890 for construction, and was predominately used in the mid-west as a result of the fires in Chicago. He said he found that the only other structure in Lynchburg that contained this material was the historic Courtland Building, and it was not used as a load-bearing material.

Ms. Chenault said Marc Wagner, of the DHR, was going to contact Allan Chambers, Architectural Historian, about the rarity of the load-bearing tile construction material.

The Commissioners concurred that the information Mr. Harvey submitted about this house in the PIF dated January 27, 2003 and the Findings of Fact as presented in the Department of Community Planning & Development's report to the HPC dated April 21, 2002 warranted its designation to the local Historic District Register.

After further discussion, Commissioner Devening made the following motion, which was seconded by Commissioner Fischer and passed by the following vote:

"That the HPC hereby recommends to the Planning Commission and City Council approval of the petition of Gary Edward Harvey and Sharon Miller Harvey for local historic district zoning designation of 3561 Fort Avenue, Grove Park, Lot 5."

AYES:	Devening, Fischer, Goldman, Holloway, Mott	5
NOES:		0
ABSTENTIONS:		0